

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-00300

JOSEPH LEE HARPER,
a.k.a. Nephew, a.k.a.
Duke, a.k.a. Kevin Meyers

MEMORANDUM OPINION AND ORDER

Pursuant to this court's earlier Order, (ECF No. 23), a jury trial was set in this case for May 5, 2020, and proposed voir dire questions, jury instructions, and witness lists were due by April 30, 2020. The court hereby **ORDERS** that the jury trial be **CONTINUED** to June 16, 2020, at 9:30 a.m. in Charleston. Proposed voir dire questions, jury instructions, and witness lists are due to the court by June 9, 2020.

Pursuant to the General Order #5 issued by Chief Judge Thomas E. Johnston on April 14, 2020, the court has been directed to continue all criminal jury trials in the Southern District of West Virginia through May 31, 2020. See In Re: Court Operations in Light of the Exigent Circumstances Presented by the COVID-19 Pandemic, No. 2:20-mc-00052 (S.D.W. Va. April 14, 2020) (Johnston, C.J.). In ordering the continuance of defendant's trial in this matter, the court finds that due to the current danger to the public health caused by COVID-19, the ends of justice served by ordering the continuance outweigh the

interests of the public and the defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). In so finding, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that a failure to order this continuance "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h)(7)(B)(i).

Accordingly, the court hereby **ORDERS** as follows:

- I. Proposed Jury Instructions, Proposed Voir Dire, and Proposed Witness Lists are due to the court by **June 9, 2020;**
- II. Trial of this action is continued until **June 16, 2020, at 9:30 a.m. in Charleston;**
- III. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from May 5, 2020, to the new trial date of June 16, 2020, is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 20th day of April, 2020.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge